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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,468	11/14/2001	Kevin I. Bertness	C382.12-0097	2983

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EXAMINER

HARVEY, JAMES R

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,468

Applicant(s)

BERTNESS, KEVIN

Examiner

James R. Harvey

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4-23-03 (election).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 and 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

- The Information Disclosure statement(s) and related documents that were filed have been considered.
- IDS submitted 2-1-02 listed Foreign Patent Document WO 94/05069 (row AL) this same document was also listed on the IDS submitted 2-17-02 (row AL), accordingly it was not reconsidered on the second IDS document.

Election/Restrictions

- Applicant's election of Claims 1-4 and 9-13 (Group II) and the Species 1 (shown in Figure 1) in Paper No. 6 is acknowledged.
- The requirement is deemed proper and is therefore made FINAL

Specification

- The title of the invention is not descriptive nor is the title "Kelvin connector for a Battery Post" on applicant's declaration. A new title is required that is clearly indicative of the invention to which the claims are directed and that is consistent with the title indicated on applicant's declaration.

The following title is suggested: AN ELECTRICAL CONNECTOR FOR A BATTERY TERMINAL.

-- Appropriate correction is required.

Drawings

- The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

-- In reference to claim 1, lines 6-8, concerning the functional limitation "to urge" the surfaces of the first and second contacts against the surface of the post is not shown in the drawings nor is it described in the specification in precise language to allow one skilled in the art to understand the meets and bounds of the claim language.

-- In reference to claim 9, the drawings do not show a separate connection bar 110 "coupled to" the contacts.

- The above feature(s) must be shown or the feature canceled from the claim. No new matter should be entered.
- **Please note that drawing corrections will no longer be held in abeyance. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.**
- **If drawing correction are not submitted with the response to this office action, the response will be considered a Non-Responsive Reply and the following paragraph will apply:**

The reply filed on (...) is not fully responsive to the prior Office Action because: (...) Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Claim Objections

- The following objections to claims 1-4 and 9-13 are noted below:

-- In reference to claim 1, lines 6-8, concerning the functional limitation “to urge” the surfaces of the first and second contacts against the surface of the post is not shown in the drawings nor is it described in the specification in precise language to allow one skilled in the art to understand the meets and bounds of the claim language. For purposes of examination, it is assumed that applicant intended to claim the insulator aligns the surfaces of the first and second contacts against the surface of the post. A rejection based upon prior art, as best understood, is addressed below.

-- In reference to claim 9, the limitation “connection bar coupled” is inconsistent with the disclosure of the drawings that show the “connection bar 110” is integral with the contacts. For purposes of examination, it is assumed that applicant intended to claim “integral” instead of “coupled”.

-- Appropriate response to the above is required.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claim(s) 1-4, 9, and 10 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Neal (2000665).

-- In reference to claim 1, Neal shows (cover sheet)

a first contact 10 having a surface which at least partially conforms to and is adapted to engage and electrically connect to a surface of the post 13;

a second contact 16 having a surface which at least partially conforms to and is adapted to engage and electrically connect to the surface of the post; and

an electrical insulator 17 between the first contact 10 and the second contact 16 to align the surface of the first contact 10 and the surface of the second contact 16 against the surface of the post and thereby form a Kelvin connection to the post.

-- In reference to claim 1, lines 1 and lines 7-9, concerning the claim language "thereby form a Kelvin connection to the post", the meaning of Kelvin connection has been defined by the applicant on page 2, lines 1-4 of the originally filed application. The Kelvin connection is simply defined as a technique and the only structure it requires is that structure necessary to create an electrical contact.

-- In reference to claim 2, Neal shows the first contact, the second contact 16 and the insulator 17 form a loop (see examiner's figure) around the battery post.

In particular reference to the claim language "around" this is seen as a broad limitation to only require the loop to be near the post. However, the specification and drawing support the limitation "surround" and if applicant wishes patent protection for a loop that surrounds the battery post, applicant must amend the claims in a manner consistent with that limitation.

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In particular reference to the claim language "loop" this is seen as a broad limitation that only requires a shape that is curved (see attached definition from The American Heritage Dictionary).

-- In reference to claim 3, Neal shows the first contact 10 and the second contact 16 oppose each other at the insulator 17.

-- In reference to claim 4, Neal shows the first contact 10 has an insulator support portion (the screw, (see examiner's figure) which is embedded within the electrical insulator; and a post grasping portion (at the post 13) on which the surface of the first contact 10 resides.

-- In reference to claim 9, Neal shows a first connection bar integral (see examiner's figure) to the first electrical contact and a second connection bar (see examiner's figure) integral to the second electrical contact.

-- In reference to claim 10, Neal shows the first electrical contact and the second electrical contact are formed from electrically conductive sheet metal.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claim(s) 11-13 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal.

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-- In reference to claim 11, Neal Shows substantially the invention as claimed. However, Neal does not show the first electrical contact and the second electrical contact are copper pieces with solder plating.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material as copper with solder plating, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416 (CCPA 1960). One skilled in the art would be motivated to choose a material of copper and solder plating because it would be more ecstastically pleasing and make it easier to solder the wire conductor to the metal.

-- In reference to claim 12, Neal shows substantially the invention as claimed. However, Neal does not show the insulator comprises plastic.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material as plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416 (CCPA 1960). One skilled in the art would be motivated to choose the insulator as plastic because it easily conforms to most desired shapes.

-- In reference to claim 13, Neal shows substantially the invention as claimed. However, Neal does not show the insulator comprises a composite material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material a composite material, since it has been held to be within the general

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skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416 (CCPA 1960). One skilled in the art would be motivated to use a composite material because composite materials are easier to keep clean than other insulators and would be more ecstasically pleasing after years of service.

Conclusion

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Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

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- The prior art listed on PTO form 892 that is made of record and not relied upon is considered pertinent to applicant's disclosure because it shows the state of the art with respect to applicant's claimed invention.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 (OFFICAL/BEFORE FINAL) and 703-872-9319 (OFFICAL/AFTER FINAL).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

James R. Harvey, Examiner

jrh

August 11, 2003



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PRIMARY EXAMINER

op·pose

op·pose (e-pōz') *verb*

op·posed, op·pos·ing, op·pos·es *verb, transitive*

1. To be in contention or conflict with: *oppose the enemy force.*
2. To be resistant to: *opposes new ideas.*
3. To place opposite in contrast or counterbalance.
4. To place so as to be opposite something else.

verb, intransitive

To act or be in opposition.

[Middle English *opposen*, to question, interrogate, from Old French *opposer*, alteration (influenced by *poser*, to place). See *pose*¹, of Latin *oppōnere*, to oppose (*ob-*, against; See *ob-* + *pōnere*, to put).]

— op·pos'er *noun*

Synonyms: *oppose, fight, combat, resist, withstand, contest.* These verbs are compared as they mean to set someone or something in opposition to another, as in an effort to overcome or defeat. *Oppose* has the fewest connotations: *oppose a legislative bill; was opposed to nuclear reactors.* "The idea is inconsistent with our constitutional theory and has been stubbornly opposed . . . since the early days of the Republic" (E.B. White). *Fight* and *combat* suggest vigor and aggressiveness: *fight corruption; combating disease.* "All my life I have fought against prejudice and intolerance" (Harry S. Truman). "We are not afraid . . . to tolerate any error so long as reason is left free to combat it" (Thomas Jefferson). To *resist* is to strive to fend off or offset the actions, effects, or force of: "Pardon was freely extended to all who had resisted the invasion" (John R. Green). "My servants . . . resisted the adoption of this plan" (A.W. Kinglake). *Withstand* often implies successful resistance: "Neither the southern provinces, nor Sicily, could have withstood his power" (Henry Hallam). To *contest* is to call something into question and take an active stand against it: *I don't contest your right to dispose of your property as you see fit, but I doubt the propriety of this bequest.*

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cir·cu·lar

cir·cu·lar (sûr'kye-lər) *adjective*

Abbr. cir, circ.

1. Of or relating to a circle.
2. a. Shaped like or nearly like a circle; round. b. Moving in or forming a circle.
3. Circuitous; roundabout: *took a circular route to the office.*
4. Marked by reasoning in a circle: *a circular theory.*
5. Addressed or distributed to a large number of persons.

noun

A printed advertisement, directive, or notice intended for mass distribution.

[Middle English *circuler*, from Anglo-Norman, from Latin *circulāris*, from *circulus*, circle. See circle.]

— cir'cu-lar'i-ty (-lăr'ī-tē) *noun*

— cir'cu-lar-ly *adverb*

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loop¹

loop (lōōp) *noun*

1. a. A length of line, thread, ribbon, or other thin material that is curved or doubled over making an opening. b. The opening formed by such a doubled line.
2. Something having a shape, order, or path of motion that is circular or curved over on itself.
3. *Electricity*. A closed circuit.
4. *Computer Science*. A sequence of instructions that repeats either a specified number of times or until a particular condition prevails.
5. A type of loop-shaped intrauterine device.
6. A flight maneuver in which an aircraft flies a circular path in a vertical plane with the lateral axis of the aircraft remaining horizontal.
7. *Sports*. See league¹.

verb

looped, loop-ing, loops *verb, transitive*

1. To form into a loop.
2. To fasten, join, or encircle with loops or a loop.
3. To fly (an aircraft) in a loop.
4. To move in a loop or an arc.
5. *Electricity*. To join (conductors) so as to complete a circuit.
6. To add or substitute (words) in a film by altering the sound track.

verb, intransitive

1. To form a loop.
2. To move in a loop: "*The couple looped constantly around the international social circuit*" (Walter Isaacson).
3. To make a loop in an aircraft.

[Middle English *loupe*, probably from Middle Irish *lúb* (perhaps influenced by Middle English *lep*, basket).]

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a·round

a·round (ə·round*) *adverb*

1. a. On all sides: *dirty clothes lying around*. b. In close to all sides from all directions: *a field bordered around with tall trees*.
2. In a circle or with a circular motion: *spun around twice*.
3. In circumference or perimeter: *a pond two miles around*.
4. In succession or rotation.
5. In or toward the opposite direction or position: *wheeled around*.
6. a. To or among various places; here and there: *wander around*. b. To a specific place: *Come around again sometime*.
7. In or near one's current location: *waited around for the next flight*.
8. From the beginning to the end: *frigid weather the year around*.
9. Approximately; about: *weighed around 30 pounds; around \$1.3 billion in debt*.

preposition

1. On all sides of: *trees around the field*.
2. In such a position as to encircle or surround: *a sash around the waist*.
3. a. Here and there within; throughout: *on the political stump around the country*. b. In the immediate vicinity of; near: *She lives around Norfolk*.
4. On or to the farther side of: *the house around the corner*.
5. So as to pass, bypass, or avoid: *a way around an obstacle; got around the difficulty somehow*.
6. Approximately at: *woke up around seven*.
7. In such a way as to have a basis or center in: *an economy focused around farming and light industry*.

adjective

1. Being in existence: *Our old dog is no longer around*.
2. Being in evidence; present: *asked if the store manager was around*.

— *idiom*.

been around informal.

Having had many and varied experiences: *a young executive who has been around*.

[Middle English : probably a-, in. See a-² + round, circle. See round¹.]

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